



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 24 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Martin F. Ytuarte
River Terminal Development Company
100 Central Avenue
Building 30, Sixth Floor
South Kearny, New Jersey 07032

Re: Request for Information Under 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Passaic River Study Area

Dear Mr. Ytuarte:

The United States Environmental Protection Agency ("EPA") is investigating the presence of hazardous substances in the sediments of the Passaic River. EPA is charged with responding to the release and/or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

In this "Request for Information", EPA requests information concerning the nature and quantity of certain materials (hazardous substances and hazardous waste, as those terms are defined in Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and Section 1004 of RCRA, 42 U.S.C. §6903 respectively) which may have been generated, treated, stored or disposed at the former Western Electric facility located in Kearny, New Jersey. EPA makes its request pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

Pursuant to these statutory provisions, EPA hereby requires that you provide the information requested in Attachment A of this letter, and include, as required, the "Certification of Answers to Request for Information," with your notarized signature.

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In preparing your response to this "Request for Information," please follow the instructions provided in Attachment B.

Your response to this "Request for Information" should be postmarked or received by EPA within thirty (30) calendar days of your receipt of this letter. Your response should be mailed to:

Mr. Pat Evangelista
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, 19th Floor
New York, New York 10007-1866

with a copy to Ms. Amelia Wagner, Assistant Regional Counsel, Office of Regional Counsel, 17th Floor, at the same address.

Your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). An enforcement action may include the assessment of penalties of up to \$25,000 for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. §9604(e)(7)(E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions concerning this "Request for Information," please contact Mr. Evangelista, of my staff, at (212)637-4403 or Ms. Wagner at (212)637-3141. Inquiries from attorneys should be directed to Ms. Wagner. Your cooperation is appreciated.

Sincerely yours,



for Richard L. Caspe, Director
Emergency and Remedial Response Division

Enclosures

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____:

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 19____

Notary Public

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ATTACHMENT A

REQUEST FOR INFORMATION

Background

The United States Environmental Protection Agency ("EPA") is investigating the release of hazardous substances into the Passaic River. EPA has information indicating that hazardous substances from the former Western Electric facility located at 100 Central Avenue in Kearny, New Jersey may have been discharged into the Passaic River.

Please provide the information requested below, including copies of all available documentation that supports your answers.

1) If your company did or does business under more than one name, list each name.

a) State the legal name of your company.

b) How long has your company operated at the facility designated above?

c) Please state the relationship between your company, RTC Properties, Inc., and Union Minerals and Alloys Corp.

2) Provide all information, including, but not limited to maps, blueprints, and diagrams that demonstrate the location on the site of:

a) process, generating or manufacturing facilities;

b) floor drains or other disposal drains in those facilities;

c) waste water collection, transport, and disposal systems, including any waste water treatment facilities, if any;

d) any catch basins or lagoons;

e) the sanitary sewer system, including any connections between the process or waste water treatment systems at the site and the sanitary sewer system;

f) the storm sewer system; and

g) any connections between the process or waste water treatment systems at the site and the Passaic River.

h) provide any information that you may have obtained from prior owners or operators of this site, including but not limited

to maps, blueprints, and diagrams that demonstrate the prior locations on the site of a)- g) above.

3) Please provide information on the installation, location, and use of all outfalls, permitted or unpermitted, that are currently or were formerly used at the facility.

a) Please indicate which are currently in use and which, if any, have been removed or closed, and, if so, how and when.

b) Provide copies of any diagrams, maps, drawings, plans or specifications that describe the outfalls.

4) a) Please provide all documents containing the results of any sampling of the soil, water, air or other media at the Site performed by your company or performed by another entity, but which is in your possession. Include any data relating to any on-site waste water system, the sanitary or storm sewer system, outfalls to the Passaic River, and/or the Passaic River.

b) Please provide the results of any sampling of the soil, water, air or other media performed for or by NJDEP.

5) a) From whom did your company purchase the property and in what year? If your company subsequently sold the property, to whom did your company sell it and in what year? Please provide copies of any deeds and documents of sale.

b) To the extent that you know, please provide the names of all parties who owned or operated the facility during the period from 1925 through the present. Describe the relationship, if any, of each of those parties with your company.

6) Provide the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to the "Request for Information" and specify the question to which each person assisted in responding. Please include the names and addresses of former employees who were contacted to respond to any of the questions.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete separate response must be made to each individual question in this "Request for Information".
2. Precede each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all current or former employees and agents of your company who may be familiar with the matter to which the question pertains.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reasons for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. For each document produced in response to this "Request for Information", indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this "Request for Information", state the reason for, and the subject matter of, the deletion.
9. Provide all documents that relate to each question. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. As used herein "relate to" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to. "Document" as used herein means any recording of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer databases, or any tangible or physical objects however produced or reproduced upon which words or other information "are affixed

or recorded or from which by appropriate transcription written matter or a tangible thing may be produced.

11. Whenever in this "Request for Information" there is a request to identify a person or an entity other than a person, state the person or entity's full name, last known employment, present or last known home address, and telephone number.

12. As used herein, the term "facility," "hazardous substance," "person," and "release" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.

13. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of the Corporation should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

U.S. Environmental Protection Agency
Region II
Office of Regional Counsel
New Jersey Superfund Branch
290 Broadway, 17th Floor
New York, New York 10007-1866
Attn: A. Wagner



SENDER: <ul style="list-style-type: none">■ Complete items 1 and/or 2 for additional services.■ Complete items 3, 4a, and 4b.■ Print your name and address on the reverse of this form so that we can return this card to you.■ Attach this form to the front of the mailpiece, or on the back if space does not permit.■ Write "Return Receipt Requested" on the mailpiece below the article number.■ The Return Receipt will show to whom the article was delivered and the date delivered.		<p>I also wish to receive the following services (for an extra fee):</p> <p>1. <input type="checkbox"/> Addressee's Address</p> <p>2. <input type="checkbox"/> Restricted Delivery</p> <p>Consult postmaster for fee.</p>	
3. Article Addressed to: Mr. Martin F. Ytuarte River Terminal Development Co. 100 Central Avenue Building 30, Sixth Floor South Kearny, New Jersey 07032		4a. Article Number <u>2 237143068</u>	Thank you for using Return Receipt Service.
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) <u>X E. Capron</u>		7. Date of Delivery <u>12/30/96</u>	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid) 853960009 Domestic Return Receipt	